

D-8513

Agents Of Japan Now Working To Seize Court

Lin Hung-chih Calls On British, Senior Consuls Here

THREATS AGAINST COURT JUDGES MADE

Police, Defense Authorities Prepared Against Forcible Seizure

Despite the repeated failures in their attempts to seize control of the First Special District Court, officials of the Japanese-sponsored Nanking "Reformed Government" were yesterday reported as still making plans for taking over the tribunal.

In an effort to explain the stand of his organization, Lin Hung-chih, court "president" appointed by the Nanking "government" last week called on Mr. Herbert Phillips, the British Consul-General, and Mr. N. Aall, the Senior Consul in Shanghai.

Received Unofficially

At both of these calls, it was explained to Lin that he could not be received in an official capacity as neither the British Government nor the local Consular Body recognizes the existence of the Nanking organization.

Mr. Phillips and Mr. Aall were understood to have emphasized that the interview was granted to Lin in a "personal" capacity.

Advised Against Action

While detailed information of the talks was lacking yesterday, it was stated that both Mr. Phillips and Mr. Aall made it clear to Lin that any attempt to tamper with the organization and control of the Settlement Chinese court will not be tolerated.

He was said to have been warned against attempts on the part of the "Reformed Government" to take over the control of the tribunal.

Meantime, rumors current during the last three weeks that the "Reformed Government" will try to seize the court forcibly have been intensified during the past several days.

These reports prompted Settlement police and defense authorities to take additional precautions against any emergency which might occur on the court premises at North Chekiang Road and at Weihaiwei Road.

Threats Made

A Chinese report stated yesterday that high officials of the First Special District Court, including the several judges and procurators, were threatened by unnamed persons with bodily harm if they insist on continuing their present attitude of not co-operating with the Japanese-sponsored regime.

The Settlement police were said to have been informed about these threats and have taken appropriate measures to protect the court officials.

May 19, 1938.

sin shun kao (Japanese owned Chinese language newspaper) :-

"MUCH AD ABOUT NOTHING : JAPANESE JURISTS VISIT COURT :
BRITISH MOBILIZE GUARDS"

After an understanding with the S.S.C., a party of Japanese jurists, who are on a tour of inspection, paid a visit to the Shanghai First Special District Court and the Second Branch Kiangsu High Court at 10 a.m. May 16.

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Adopting a suspicious attitude towards the Japanese jurists, the British authorities, on the ground that the Court lies within their defence sector, detailed 30 extra soldiers to the vicinity of the Court besides the 30 usually stationed there and also mobilized a part of the American defence force. A tense situation was created.

This vividly exposes the helplessness of the suspicious British authorities and reflects their mental state for they appear to be mystified by, and afraid of, the positive attitude adopted by the "Reformed Government of the Chinese Republic" to enforce its authority gradually.

BM
6th May 1938
Ever since its inauguration the "Reformed Government" has been endeavouring to promote various enterprises in Central China. After the taking-over of the Customs, the "Reformed Government" has been making efforts to take over the Courts in Shanghai. The casual visit paid by a number of jurists to the Court on May 16 incidentally gave rise to a misunderstanding that the visit was a prelude to the taking-over of the Court and resulted in the adoption of precautionary measures by the British authorities in the vicinity of the Court.

As regards the despatch of more soldiers to guard the Court, the British authorities state that it was done

Dec 8 *3/8/38* FILE

P. A. to D. C. (Sp. B.)

at the request of the Consular Body. However, as the Japanese jurists had paid the visit with the understanding of the S.M.C., it is believed that it was the British authorities who had desired this action to be taken.

The taking-over of the Courts by the "Reformed Government" will not be pleasant to the British authorities for they regard the Courts as their secret chamber and base for their plottings.

Nippo of May 18, 1938:

THE GUARDING OF CHINESE COURTS BY BRITISH SOLDIERS
A MATTER FOR LAUGHTER

At 10 a.m. May 16, a number of Japanese judicial officials, who are on a tour of inspection, paid a visit to the Shanghai First Special District Court and the Second Branch High Court after an understanding with the S.M.C. authorities.

The British military authorities detailed 30 extra soldiers to the vicinity of the First Special District Court besides the 30 usually stationed there. Such an act is a matter for laughter. The British authorities state that it was done at the request of the Consular Body. However, it is believed that the British authorities were active behind the scenes because the Japanese judicial officials had paid the visit with the understanding of the S.M.C.

The matter of the transfer of the Courts to the "Reformed Government of the Chinese Republic" appears to have given rise to a sort of feeling among the British authorities that it would come as a shock to the heart of the S.M.C., their secret chamber, in which they have constructed their despotic position.

The guard of British soldiers in the vicinity of the Court was not withdrawn until May 17.

BM

16 MAY 1938

JCSB P
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Seaforths Take Precautions Against Seizure Of Court

As a precaution against the rumored possibility of the "Re-formed Government" attempting to forcibly to seize the First Special District Court on North Chekiang Road, the Seaforth Highlanders stationed there held "dress rehearsal" yesterday morning with a view to guarding efficiently the compound in case of such a contingency.

While learned judges were giving their attention to the various larceny, assault and extortion cases in the many courtrooms, a bugle suddenly blew a piercing command in the compound below. Steel-studded British army boots immediately stampeded noisily. Barbed-wire entanglements were thrown across the main entrance and a side entrance, both facing North Chekiang Road.

Some 40 yards behind both front units guarding the entrances with fixed bayonets the kilted soldiers of the Special set up Lewis guns, ready for action. Another man, rifle in readiness, was posted on the first floor of a building overlooking the private roadway leading into the compound from North Chekiang Road.

Following a brief inspection by the officer in command, 2nd-Lieut. Farquhar, the men were dismissed. While the presence of British troops within the compound of the court is, in itself, not unusual, as they have been stationed there practically since the outbreak of the current conflict, yesterday's drill was taken as an indication that the powers plan to uphold the status of the court in accordance with the Court Rendition Agreements signed in 1927 and 1930.

File
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Settlement Courts Control

Japanese Spokesman Says Change Nature ; Reformed Government Considering

Eventual assumption of control over the Settlement Courts by the Reformed Government of China was foreseen yesterday by a Japanese Embassy spokesman who described such action as natural. "While this is a matter for the Chinese authorities and not for the Japanese to decide, I understand that the Reformed Government is studying the question. I have not yet heard that they had decided to take over the courts", he said.

The assumption of control, the spokesman added, would be done peacefully. "So long as the Reformed Government should operate the courts under the terms of the rendition agreement, there should be no objection to the assumption of control over the courts by the Nanking authorities", he went on.

"The rendition agreement was concluded between a Chinese Government and the Powers concerned. Now, a new Chinese Government has been formed and intends to succeed to the rights and obligations of the former administration with regard to the matter."

Asked whether or not such a step could only be subsequent to the recognition of the Reformed Government by the Powers, the spokesman said: "In my personal opinion, the British as well as other Powers have lately tended to take a realistic view of the situation".

Tension Eases

Chinese courts in the International Settlement functioned as usual yesterday. Although the front gates were closed to those who had no business in the courts, the tension which was caused by Tuesday's visit by Japanese jurists, eased yesterday. Men of the Seaforth Highlanders, as usual, stood guard at the First Special District Court in North Chekiang Road.

The visit of Japanese jurists was regarded in Chinese circles yesterday as signifying the intention of the "Reformed Government at Nanking" to take over the courts in the Settlement.

Major-General A. W. Bartholomew, G. O. C. in China, Major-General A. P. D. Telfer-Smollett, O. C. British Forces in the Shanghai Area, and their staff officers visited the Court at about 11 o'clock on Monday morning, inspecting the premises and the guard provided by the Seaforth Highlanders.

District Court Under Tension

Troops, Police Keeping Guard; As Japanese Visit Court

The First Special District Court presented the appearance of an armed camp today as Seaforth Highlanders with rifles and members of the S.M.P. were closely guarding the premises. These precautionary measures were being taken to thwart any attempt of the "Reformed Government" in Nanking to seize the tribunal, as widely rumored lately.

The iron grill gate were closed and only those who are connected with the court or having passes were admitted. Two members of the Seaforth Highlanders with rifles stood guard at the entrance, augmented by a party of S.M.P. officers and judicial police. Private ricschas and unofficial cars were not allowed to enter the premises.

A detachment of the Seaforths who established a camp in the former headquarters of the 2nd Branch Kiangsu High Court in the compound upon their arrival in Shanghai was on the premises. Meanwhile the six criminal section courtrooms functioned as usual this morning.

Shortly after 10 o'clock, however, an undertone of excitement permeated the courtrooms when four Japanese civilians escorted by Inspector E. J. Ling of the S.M.P. and Mr. T. T. Tsang, municipal advocate, arrived to inspect the court. The party of Japanese civilians consisted of a procurator and a judge from Tokyo and a member of the S.M.P. and an interpreter. They were on the premises for three quarters of an hour.

Court officials and consular authorities are said to have expressed the opinion that inasmuch as the tribunal is functioning under a rendition agreement signed with the Consular Body any attempt to take over the court is a violation of an international agreement. As the tribunal is working in close cooperation with the S.M.P. which supplies the criminal cases in the Settlement, the Nanking regime, even if they seize it, will hardly be able to attain their goal of controlling the judicial organ of the Settlement without the Council's assistance, according to the consensus in official circles today.

FILE

SECRET
SHANGHAI MUNICIPAL POLICE.

File No.

Section 1, Special Branch Staff,
REPORT

Date May 16, 1938

Subject Japanese legal functionaries visit the 1st Shanghai Special
District Court on May 16.

Made by D.S. Larby

Forwarded by C. G. ...

During the morning of May 16, 1938, an individual said to be the Chief Procurator of the Tokyo High Court and a number of Japanese whose names are believed to be known to the D.C. (Crime) visited the 1st Shanghai Special District Court, North Chekiang Road, and were present at the morning session of Number 3 Court.

Great interest was evinced by the Japanese in the presence of the British Military on the Court premises; it was therefore explained that the West Hongkew area in which the Court was situated was a part of the British defence sector. Enquiries were also made regarding the cost of maintaining the Court and whether the revenue obtained was sufficient to pay for its upkeep. The answers given to these questions were of an entirely non-committal nature.

D.C. (Special Branch)



X Copy B.M.


D. S.

L.E.

r & to D.C. (S. Br.)

SHANGHAI MUNICIPAL POLICE.

File No.

88-13

SECRET

Section 1, Special Br. *Sullivan*,

Date ... MAY 13, 1938.

Subject ... Japanese and Koreans visit the Second Branch of the Kiangsu High Court located at 155 Weihaiwei Road.

Made by ... D.S. Larby ... Forwarded by ... *Engel D*

At 4.20 p.m., May 12, two Koreans dressed in foreign style clothes and an individual wearing Chinese clothes but who is thought to have been of Japanese nationality, visited the Second Branch of the Kiangsu High Court, at present located at 155 Weihaiwei Road, and expressed a desire immediately to attend a court session. On being requested to give their reasons for so doing, one of the Koreans replied that they had recently graduated from law colleges in Korea and were desirous of acquainting themselves with local judicial procedure.

The three individuals in question were then informed that no courts were at present sitting and that, furthermore, if they were desirous of viewing the functioning of the courts, they should visit the 1st Shanghai Special District Court located on North Chekiang Road.

CP.

R. Larby.

D. S.



D.C. (Special Branch)

P. A. to D. C. (Sp. Br.)

D.S. Larby
C. G.

S. R. N.
14 MAY 1938

P. A. to D. C. (Sp. Br.)

10-5-38
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"A"
Misc. 156/38

Chengtu Road
10-5-38

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10.00p.m.- 11p.m.
10-5-38.

155 Weihaiwei Road.
Detective Office.

Japanese observed in the vicinity
of the High Court.

At 10.30p.m. on the 10-5-38, C.O.C. 1825, on duty
outside the High Court 155 Weihaiwei Road reported to this
station from a Telephone Box No.6, that at 10p.m. he had
observed 6 Japanese in civilian clothes, near the High
Court, who had looked through the gate and had then walked
away.

Nothing further occurring, C.O.C. 1825 was relieved
and brought to station for enquiries and the following
information obtained.

SI
An error had occurred in the receipt of the
telephone message, and six Japanese had been in the
vicinity of the High Court, not one as the message stated.

C.P.C. 1825 states that he had not notice from where
they arrived, but all were grouped together, and one had
in his hand a paper to which he kept referring and looking
at. Following this, all approached the gate of the High
Court, peered inside and at the building and then moved
away on foot, along Weihaiwei Road towards Racecourse
Road.

Yes
No description of value was obtained, but it
was stated that all were dressed in foreign suits of
dark material.

The undersigned and C.D.O. 190 proceeded to the